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C O N F I D E N T I A L ALMATY 002985

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TAGS: [PGOV](#) [PHUM](#) [PINR](#) [KZ](#) [POLITICAL](#)

SUBJECT: KAZAKHSTAN: TUYAKBAY ON HARASSMENT OF OPPOSITION

REF: A. ALMATY 1870

[B](#). WHITE HOUSE 7221805

[C](#). ASTANA 6

Classified By: CDA Mark L. Asquino, reasons 1.4 (B) and (D),

[1](#). (C) Summary: Kazakhstani authorities are carrying out a large-scale campaign to harass and intimidate the opposition, according to "For a Just Kazakhstan" leader Zharmakhan Tuyakbay. Measures have included surveillance, provocation, violence, and threats/intimidation. Although Tuyakbay's organization has been registered on the national level, delays in registration of its regional branches may prevent it from nominating a presidential candidate. The opposition leader claimed that the public strongly supports "For a Just Kazakhstan" and would take to the streets if GOK harassment went too far. Tuyakbay urged the U.S. to speak out about the abuses. End summary.

[2](#). (SBU) CDA met with "For a Just Kazakhstan" (FJK) leader Zharmakhan Tuyakbay at the latter's request on August 16 to discuss recent harassment of the organization. Amirzhan Kosanov, previously of former PM Kazhegeldin's RNP party, and POEC chief also participated.

Harassment of "For a Just Kazakhstan"

[3](#). (C) Tuyakbay described what he termed a broad campaign of measures by the GOK designed to intimidate and control the opposition in the run-up to presidential elections, widely expected to be called for December 2005. He related constant KNB surveillance, harassment of FJK leaders and members, and the use of blackmail and threats to discourage attendance at FJK events. Although the situation had improved somewhat after the Ambassador issued a statement condemning incidents in May and voiced U.S. concerns to the FM (Ref A), it had deteriorated in recent weeks. Kosanov commented that it was "no accident" that presidential son-in-law Rakhat Aliyev had been brought back from his job as OSCE Ambassador in Vienna and appointed Deputy Foreign Minister in advance of the elections. (Note: In an August 12 meeting with POEC chief, FJK leaders Oraz Zhandosov and Altynbek Sarsenbaiuly explicitly linked Aliyev's return to the renewed harassment of FJK. They said that Aliyev associate Serik Nugmanov had been appointed Deputy Minister of Justice in order to carry out his directives. End note.) Tuyakbay sees the harassment as the GOK's retribution for his movement's willingness to "speak the truth" about corruption and misuse of power.

[4](#). (SBU) FJK issued a public statement on August 11 detailing incidences of harassment. Local leaders have been detained or arrested in Kostanay, Atyrau, and Aktau. Groups of thugs tried to disrupt Tuyakbay's public meetings in Atyrau and Aktau. The traffic police tried to block participants from reaching a meeting in Kostanay. In several cities, the management of venues that had been rented for the meetings locked the doors and refused FJK access at the last minute, citing pressure from "above." FJK activist Marzhan Aspandiyarova was beaten by police during an August 2 protest at the Almaty akimat over illegal demolition of homes. Tuyakbay told the CDA that Aspandiyarova had been called and asked to attend the protest by provocateurs in the crowd. He singled out as particularly egregious the August 11 arrest in Aktau of FJK activist and True Ak Zhol regional leader Janibek Kozhyk on charges of organizing an illegal meeting. As FJK was registered by the MOJ on August 2, and the meeting was held in a restaurant rather than in public, Tuyakbay and Kosanov have no idea what law could be cited to argue that the event was illegal.

Nomination of Presidential Candidate in Doubt

[5](#). (C) Tuyakbay noted that even though the GOK had registered FJK, delays in registering the movement's regional organizations could prevent it from nominating a presidential candidate. He explained that Kazakhstani election law requires a party to choose its nominee at a general meeting attended by representatives from at least two-thirds of all oblasts. FJK had submitted registration applications for its

regional organizations to the MOJ on July 21. Instead of rendering a decision within the required ten-day period, the MOJ had delayed its decision. Tuyakbay stressed that if two-thirds of the regional organizations are not registered by September 11, FJK will not be able to nominate a candidate. "That person," he said, "would have to run as an independent candidate instead."

16. (C) The FJK leader expressed confidence that if genuinely
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fair elections were held, Nazarbayev would not win. People are fed up with corruption. Continuing to avoid naming himself as the challenger, presumably in deference to election laws, Tuyakbay told the charrg that public support for FJK is strong. When provocateurs attempt to disrupt FJK's meetings, "the people" stand up to protect him. He claimed that Kazakhstani authorities were not confident that Nazarbayev could win a fair election, and for that reason were trying to handpick suitable opponents such as perennial candidate Ganiy Kasimov. (Note: Ak Zhol leader Alikhan Baimenov, the only prominent opposition politician not in FJK, is also expected by many to run. End note.)

17. (C) The GOK was already working to bring in as many "sympathetic" observers as possible for December presidential elections, according to Tuyakbay. This included experts from the U.S. and Europe. (Note: In the August 12 meeting with POEC chief, Sarsenbaiuly claimed the GOK was delaying the announcement of elections in part to prevent the OSCE from being able to organize a full observation mission. End note.) Tuyakbay claimed that Kazakhstani authorities had also launched an effort to place anti-American stories in the Kazakh-language press, including several highly critical articles about Tuyakbay's May trip to the U.S.

People "Ready to Go to the Streets"

18. (C) Tuyakbay claims that the public is enraged by what they see as an orchestrated GOK campaign to hinder FJK's ability to organize, and that many members have urged him to organize public protests. He has discouraged this course of action so far, but told the CDA that if there is a particularly egregious provocation "the people will take to the streets on their own." If that happens, Tuyakbay said, he and the other leaders of FJK "will go with them." He said that the public does not trust the authorities; numerous news stories about GOK purchases of weapons have convinced the public that the authorities will "stop at nothing" to stay in power. (Note: Post has seen several news stories about the GOK purchasing riot gear and means of non-lethal force such as rubber bullets and water cannon. End note.)

U.S. Urged to Speak Out

19. (C) Tuyakbay predicted that the GOK would continue to use its "full arsenal" of falsification, blackmail, threats, and violence against "For a Just Kazakhstan" unless the international community speaks out. He added that Kazakhstani authorities might even resort to "extreme measures": "if there is no person, there is no problem." Tuyakbay urged the U.S. to speak out forcefully about what is happening today in Kazakhstan, and to push for fair elections.

110. (C) The charrg told Tuyakbay that in his recent letter to Nazarbayev (Ref B), President Bush had underscored the need for fair elections and an end to pressure on civil society. The U.S. is cognizant of what is happening in Kazakhstan and will continue to press our concerns with the GOK.

111. (C) Kosanov added that Tuyakbay also needs a guarantee of his personal security. He urged the U.S. to keep a close eye on the candidate registration process to ensure that it is fair and transparent. He also noted that FJK hopes to be able to obtain training from NDI or IRI for its election observers. If Tuyakbay succeeds in registering as a candidate, Kosanov added, fair access to the media would also be critical.

112. (C) Tuyakbay highlighted the fact there are very few opposition representatives on election commissions as one of the most serious problems with the electoral system. (Note: According to Zhandosov, during the fall 2004 parliamentary elections only 200 of the 9500 commission members around the country were members of opposition parties.) The FJK leader said that the movement would propose amendments to the election law to permit a more equitable distribution of seats. He was doubtful it would be adopted.

Possible Travel to U.S.

113. (SBU) Although Tuyakbay did not raise the issue in his meeting with the charge, Sarsenbaiuly informed POEC chief on August 12 that the FJK's Tuyakbay was planning to return to Washington in September. He would be accompanied by two or three other leaders from the movement, and hoped for

high-level meetings at the State Department (including the Secretary) and elsewhere.

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114. (C) Tuyakbay also steered clear of discussion of a story circulating on the Internet that he had hired U.S. political consultant John Weaver to help with his presidential campaign. The article, entitled "Kazakhstani Opposition Orders Revolution in the U.S. for a Million Bucks," contained a copy of a reputed letter from Weaver. Sarsenbaiuly confirmed on August 12 that Tuyakbay had met with four different consultants during his May trip to Washington, and that the letter represented Weaver's proposal. He claimed that the Kazakhstani special services had intercepted the email and given the information to the press. According to Sarsenbaiuly, Tuyakbay decided not to hire any of the consultants after unspecified "difficulties" arose. An August 17 article in pro-government "Ekspress K" claimed that hiring a foreign consultant would violate Article 27 of the election law, as modified by the recent national security amendments (ref C), which forbids foreigners from helping or hindering the nomination or election of any candidate.

Comment

115. (C) While Tuyakbay is definitely exaggerating the amount of public support FJK enjoys, and the lengths to which the GOK might go to neutralize the opposition, what he said about the harassment his organization is experiencing seems to us both accurate and factual. An August 18 announcement by the Almaty procuracy that Tuyakbay's trips around the country constituted illegal campaigning underscores the degree of official scrutiny of FJK's activities. Taken together with the August 14 robbery/vandalism of the Kazakhstani International Bureau for Human Rights (details to follow septel), the NGO investigations, and repressive legislation, Tuyakbay's account paints a picture of a Kazakhstani ruling circle unwilling to tolerate the slightest risk of losing its grip on power.
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